

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KAREEN ANDERSON,

Defendant.

Case No. 2:16-CR-00305-KJD-VCF

ORDER

Before the Court for consideration are Defendant's Motions to Dismiss Count Two pursuant to Fed. R. Crim. P. 12 (#71) and Count Five (#73). The Government filed a response in opposition (#76) to which Defendant did not reply.

Count Two of the Indictment charges that on or about June 2, 2016, Defendant and separately charged co-defendants Robert Tellye Smith, Derrick James Haywood, Dimitius Rivers, and others known and unknown to the grand jury, aiding and abetting one another, knowingly and intentionally distributed 5 grams or more of actual methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) and B(1)(b)(viii). Defendant alleges that Count Two should be dismissed because "[t]here is no clear and convincing facts that establish the defendant committed a violation of 18 U.S.C. § 2 and 18 U.S.C. § 8411." (# 71, p. 2, lines 9-10). Defendant also alleges that Count Two is defective based on selective or vindictive prosecution; joining two or more offenses in the same count; charging the same offense in more than one count; lack of specificity; and improper joinder. (# 71, p. 2, lines 11-27).

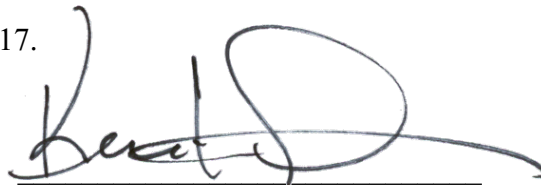
Count Five of the Indictment charges that on or about September 12, 2016, Defendant knowingly distributed 50 grams or more of actual methamphetamine in violation of 21 U.S.C. §§ 841

1 (a)(1) and (b)(1)(A)(viii). Defendant alleges that he never distributed anything and incorrectly
2 alleges that Count Five contains insufficient probable cause. (#73).

3 Having read and considered the present Motions and response, the Court finds no support for
4 dismissal of Counts Two and Five. Defendant fails to cite any points and authorities in support of
5 dismissing Counts Two and Five. LCR 47-9 states “[t]he failure of the moving party to file points
6 and authorities in support of the motion shall constitute a consent to the denial of the motion.”
7 Further, Defendant has failed to provide any legal basis to support either motion.

8 Accordingly, **IT IS THEREFORE ORDERED** that Defendant’s Motions to Dismiss Count
9 Two pursuant to Fed. R. Crim. P. 12 (#71) and Count Five (#73) are **DENIED**.

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12 DATED this _2nd_ day of May 2017.

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15 Kent J. Dawson
16 United States District Judge
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